

THE STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**FIRST AMENDMENT TO
INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
COUNTY OF HIDALGO AND CITY OF PEÑITAS, TEXAS
CONCERNING CERTAIN IMPROVEMENTS TO
MILE 5 ROAD**

THIS AMENDMENT TO INTERLOCAL COOPERATIVE AGREEMENT (“Agreement”) is made on this the _____ day of _____, 2021, by and between the **CITY OF PEÑITAS, TEXAS** (the “City”) and **COUNTY OF HIDALGO, TEXAS, BY AND THROUGH HIDALGO COUNTY PRECINCT 3** (the “County”), per the provisions of the Texas Interlocal Cooperation Act (the “Act”), Chapter 791 et seq., Texas Government Code, as follows:

W I T N E S S E T H:

WHEREAS, the City is a home rule municipality defined as a “Local Government” under the Act, and a political subdivision organized under the laws of the State of Texas, within the boundary of the located in Hidalgo County, Texas;

WHEREAS, the County is defined as a “Local Government” under the Act, and a political subdivision organized under the laws of the county in the State of Texas;

WHEREAS, City and County, under their statutory and constitutional authority, are responsible for maintenance and improvements to certain public roadways within their boundaries;

WHEREAS, City and County are authorized to enter into this Agreement under the Interlocal Cooperation Act, Tex. Gov’t. Code 791.001, et seq., which authorizes units of local governments to contract with each other to perform governmental functions and services under the terms of the Act; and under Section 251.012 of the Texas Transportation Code which authorizes counties to improve roadways within the limits of a City with the City’s consent;

WHEREAS, on or about the 15th day of June 2021, the City and County agreed to jointly undertake a road improvement project, within the City Limits of the City of Peñitas, approximately 2640 linear feet of Mile 5 Rd.

WHEREAS, the said project will serve a public purpose by allowing the residents that utilize Mile 5 Rd and the surrounding areas to improve their health, safety, and accessibility; as such it is in the best interest of both County and City to mutually provide for the road improvement.

WHEREAS, Section 4 of the Agreement requires City to provide materials (i.e., crushed caliche) in the amount necessary to accomplish the Project and further provide the hauling of the said material necessary to accomplish the Project. *See Exhibit B – Estimate Amount of Material.*

WHEREAS, as a replacement for providing the said materials, City will contribute to this agreement by providing the County with a check for \$12,705.00, as quoted, to fund the materials needed to complete the Project.

WHEREAS, County and City now desire to amend the Agreement as hereinafter provided.

NOW, THEREFORE, for and in consideration of the terms and provisions set forth herein, for good valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and City hereby agree to the following amendment to the Agreement.

1. Section “4.” of the Agreement is hereby modified and replaced as follows:
“4. Upon execution of this Agreement, City shall provide and contribute funds to the County in the amount of Twelve Thousand Seven Hundred and Five Dollars and No Cents (\$12,705.00) for the materials needed (crushed caliche) for the Project, as quoted in Exhibit B – *Estimate Amount of Material*; County will purchase said material with the aforementioned funds, and will further provide the hauling of the said material as necessary to accomplish the Project.”
2. Except as modified herein, all terms and conditions of the Agreement, remain in full force and effect. County and City ratify and confirm the terms and provisions of the Agreement as amended herein.

[SIGNATURE PAGE TO FOLLOW]

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

COUNTY OF HIDALGO, TEXAS

BY: _____
Richard F. Cortez, Hidalgo County Judge

ATTEST:

By: _____
Arturo Guajardo, Jr.
Hidalgo County Clerk

CITY OF PENITAS

BY: _____
_____, Mayor

ATTEST:

BY: _____
_____, City Secretary

Approved by the Hidalgo County Commissioner's Court on _____.

APPROVED AS TO FORM:

Hidalgo County Criminal District Attorney's Office
Ricardo Rodriguez, Jr.

By: _____
Amanda D. Austin, Assistant District Attorney